

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

Civil Rights Division

FILED

JUL 09 2019

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga --

Case No.

1:19-cv-198
Judge Parlan / See

Jury Trial: (check one) Yes No

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

William Eugene Klaver

-v-

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Hamilton County Tennessee, proper
Hamilton County Sheriff's Department
Daniel Wilkey, HCSD #3099 (at time of incident)
(Unknown) McCray, HCSD #2917 (at time of incident)
City of Soddy-Daisy Tennessee, proper
Soddy-Daisy Police Department
One John Doe K9 Officer, Soddy-Daisy Police Department (to be added. SDPD was not forthcoming with his name upon request)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

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I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name: **William Eugene Klaver**

Address: PO Box 58, Hixson Tennessee 37343

County: **Hamilton**

Telephone Number: 310-728-0793

E-Mail Address: joyride424@outlook.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name: **Hamilton County Tennessee, proper**

Job or Title (*if known*): **United States Municipality**

Address: **208 Courthouse, 625 Georgia Ave., Chattanooga TN 37402**

County: **Hamilton**

Telephone Number: **423-209-6100**

E-Mail Address *(if known)*

' Individual capacity ' Official capacity ✓

Defendant No. 2

Name: **Hamilton County Sheriff's Department**

Job or Title *(if known)*: **County Law Enforcement Agency in Southeast Tennessee**

Address: **Ground Floor Courts Building, 600 Market Street, Chattanooga TN 37402**

County: **Hamilton**

Telephone Number: **423-209-7000**

E-Mail Address *(if known)*

' Individual capacity ' Official capacity ✓

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Defendant No. 3

Name: **Daniel Wilkey #3099**

Job or Title *(if known)*

Address: **Hamilton County Sheriff's Annex, 6233 Dayton Blvd., Hixson TN 37343**

County: **Hamilton**

Telephone Number: **423-209-8902**

E-Mail Address *(if known)*

' Individual capacity ' Official capacity ✓

Defendant No. 4

Name: (Unknown) **McCray #2917**

Job or Title *(if known)*

Address: **Hamilton County Sheriff's Annex, 6233 Dayton Blvd., Hixson TN 37343**

County: **Hamilton**

Telephone Number: **423-209-8902**

E-Mail Address *(if known)*

' Individual capacity ' Official capacity ✓

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Defendant No. 5

Name: **City of Soddy-Daisy Tennessee**

Job or Title (*if known*): **Small Town on Outskirts of Northern Hamilton County**

Address: **9835 Dayton Pike, Soddy-Daisy TN 37379**

Telephone Number: **423-332-5323**

E-Mail Address (*if known*)

'Individual capacity 'Official capacity ✓

Defendant No. 6

Name: **Soddy-Daisy Police Department**

Job or Title (*if known*): **Small Town Local Police Department In Rural Southeast United States**

Address: **9835 Dayton Pike, Soddy-Daisy, TN 37379**

Telephone Number: **423-332-3577**

E-Mail Address (*if known*)

'Individual capacity 'Official capacity ✓

Defendant No. 7

Name: **John Doe**

Job or Title (*if known*): **Unknown Responding K9 Officer for Soddy-Daisy Police Department**

Address: **Soddy-Daisy Police Department**

9835 Dayton Pike

Soddy-Daisy, TN 37379

Telephone Number: **423-332-3577**

E-Mail Address (*if known*)

'Individual capacity 'Official capacity ✓

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

' Federal officials (a *Bivens* claim)

' State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. 1) **My 4th Amendment Rights in their Entirety.** (*see video links* <https://youtu.be/3gvpSiYZpPk> .. https://youtu.be/XQa_sLxnHVI (< eye) .. <https://youtu.be/reYtT4MeBLA> .. <https://youtu.be/EwF-gARhnhA> .. *enter into Google search bar*)

D. 2) **Interfered With my Right To Due Process Ultimately By Not Filing The Citation With The Court.**

E. 3) **Obstruction of Justice via Same Means as above, D2.**

F. 4) **Detained Illegally and Without Just Cause.** (*see videos* <https://youtu.be/3gvpSiYZpPk> .. https://youtu.be/XQa_sLxnHVI (< eye) .. <https://youtu.be/reYtT4MeBLA> .. <http://youtu.be/EwF-gARhnhA> .. *Enter into Google search bar*)

- G. **5) Had My Vehicle Illegally Searched, Without My Consent, and Without Just Cause.** (*see video link <https://youtu.be/reYtT4MeBLA> enter into Google search bar*)
- H. **6) Was Lied To About The 4th Amendment in an effort to Cloud The Issue, and Misrepresent It's True Intent.** (*see video link <https://youtu.be/reYtT4MeBLA> ..enter into Google search bar*)
- I. **7) These Violations and more are Covered, Represented and Shown On My Videos From That Day, Links to which Are Provided in this filing.**
- J. **8) Conspiracy on the part of Daniel Wilkey #3099 with the corrupt law enforcement body and sheriff of Rhea County TN to implement this stop in support of the Rhea County Sheriff's own nefarious intent. Rhea County and it's acting bodies in this matter will be sued in a separate filing pending outcome of these proceedings. The Wilkey family has a vast history as residents of Rhea County and doing the bidding of it's law enforcement and elected officials in a subservient and obsequious manner.**
- K. **9) Obstruction of Justice via Destruction, Erasure or Failure To Record Video Evidence from multiple patrol car dashcams and multiple police bodycams as well from all vehicles and persons responding to this incident from all mentioned law enforcement authorities the night of April 17, 2019.**
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- L. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- M. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- N. I have several videos that explain things fairly well, and each Defendant present that night will thus represent himself in both word and deed. The links can be entered into Google search bar and it will take you to each video on my YouTube channel in turn. As well, each video has a description explaining the video and things associated with the video and these events. The links are as follows: <https://youtu.be/3gvpSiYZpPk> .. https://youtu.be/XQa_sLxnHVI (last is a capital 'eye') .. <https://youtu.be/reYtT4MeBLA> .. <https://youtu.be/EwF-gARhnhA> .. Each is listed both in order of occurrence and from shortest to longest. Each video is important to this case no matter it's length and must be viewed under full weight of all evidence represented therein. They will display acts such as Illegal Detainment, as I asked several times if I was under arrest and can I leave. To my way of thinking, this constitutes Kidnapping on top of all their other crimes these officers committed that night. It certainly was never Voluntary, as I demonstrated by asking to leave.
- O. Oppression of the Handicapped, in Violation of the Americans With Disabilities Act.
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III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed. A. Where did the events giving rise to your claim(s) occur? **12200 Dayton Pike, as per HCSD Citation Number 26613,**

unfiled. Actual place is J Lon Foust Highway Southbound, or Hwy 27 Southbound. Street or location number unknown, but I almost to the Dunlap split when they turned on their lights. I observed the Hamilton County Sheriff's Patrol vehicle under hard braking in a cloud of tire smoke trying to make that turnaround in the opposite lanes of the four lane divided Highway 27, Northbound. I was traveling Southbound toward Chattanooga TN. Later when ordered to place my hands on the hood my hands were burned from the heat. McCray #2917 ordered my hands back on the hood of the patrol car, further burning them. My vehicle is a BUS and listed so by it's manufacturer Ford Motor Company as such on the doorjamb sticker. It is therefore Exempt from all window tint regulations, along with Ambulances, Hearses, Church Vehicles and Limousines. In this video I tried several times to explain that to them, but they wouldn't listen. They asked for consent to search my vehicle, I Adamantly Denied them that permission and consent. They proceeded to illegally detain me until a drug K9 from Soddy-Daisy Police Department could arrive. They manufactured a positive from the dog, performed an illegal search, and found nothing. Also, when I arrived at court I discovered that I was not on the docket. In checking with the court clerk's office I was informed that the Citation had never been filed. This robbed me of time before a judge to tell what happened. I believe their motivations were to cover themselves for all the illegal things they did that night. Had my video camera on my phone been running, recording & therefore protecting me, who knows. Still as it stood, several fabrications had gone into making up the Citation itself. One was a cheap shot at the Marine Corps, by calling my Marine Corps sticker a 'stinker'. The Other was a blatant lie completely in violation of the laws of Physics, in which a time of 08:33 p.m. was given as evidence of my tint being too dark. According to Google, on April 17 2019 the sun went down at 08:15 p.m.

I had been working on a 98 year old woman's vehicle all day, & was making another parts run to Chattanooga TN when this stop occurred. Her car had been vandalized & an attempted to steal it was made, and a lot of components had to be replaced. The hotwire job they attempted blew out the ignition coil and points. They stole the battery when that didn't work, cutting up those cables as well. Then they siphoned the gas. This is a woman who was my foster mother before I went to live at Bethel Bible Village, then called Bethel Bible School. In fact, I got my Bus from them. I know Bethel never had any drugs in it, and neither have I. Therefore I find it very insulting for them to insinuate such through trickery and lying. But my foster mother needs that car to run so that it can be moved by ambulance

people when she has to take trips to the hospital. I was not finished fixing it at the time of this stop, and their desire to lie all the other things they did could have cost this 98 year old woman her life.

As well, I stated several times that I would not answer any questions without my attorney present, and requested several times to leave to indicate that this stop was in no way voluntary on my part. McCray #2917 continued to verbally berate me, as seen on the longest of my videos. He continued to ask questions about my Marine Corps service in such a way and tone of voice as to indicate that he knew I was handicapped, and that he was making fun of that handicap. For the record, I have a type of muscular dystrophy called CMT, first diagnosed in Marine Corps boot camp at Parris Island in the late 1980's.

I got my bus from Bethel Bible Village, a Christian Children's Home in Hixson Tennessee on Hamill Road, across from Greenway Farm. I grew up at Bethel when it was Bethel Bible School back in the 1970's and early 1980's. My entire Childhood was spent there. I Know that Bethel never had any drugs in the vehicle, and I have never had any in it, either. So for these individuals to pull their fake drug dog alert, and it Was Fake or the dog is a Moron, really makes me angry. Then for them to not file the equally bogus window tint citation on my Exempted Vehicle thereby robbing me of a legitimate viewing and decision from a Judge compounds that. Inventing evidence as they did, these officers do not belong in law enforcement, and I would ask the court to permanently decertify all these persons and their cohorts in these crimes to be named at a later date and/or upon discovery Nationwide.

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- B. What date and approximate time did the events giving rise to your claim(s) occur?
- C. April 17, 2019

- D. 22:33 Military, or 08:33 p.m. Civilian. I mention this because the Citation lists Military Time, but also adds the p.m. Wilkey claimed to have been in the military at one time, but if he doesn't know not to mix the two I seriously doubt that he has.

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- E. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what?*
- F. **That information will be contained in my videos, the links to which have already been provided. As these individuals failed even to file the Citation in an effort to remove themselves from it's effects, I seriously doubt dashcam and bodycam footage from that night even exists now. However, we still have My Videos as evidence of those events that night.**
Was anyone else involved? Who else saw what happened?) Who saw what happened that night was anyone and everyone who happened to drive by that night.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive. **Injury to my hands consistent with being burned on a hot surface. Psychological stress and Social Ostracization of being falsely accused and ignored roadside. The further social taint as a result of their fake drug dog alert conducted just to gain access to my vehicle and do their illegal nonconsensual search during which nothing was found. The further social embarrassment of having friends and family drive by or find out via other means and wonder what I had done and am I some sort of drug addict or something. The answer to which is of course, No. I was the victim of corrupt and conspiratorial law enforcement that night who did this thing for the purpose of everything it has brought about, in a malicious attempt to ruin my life.**

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I Demand One Hundred Million Dollars total from all Defendants named.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

Signature of Plaintiff

Printed Name of Plaintiff

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address